

REFERENCE TITLE: corporation commission; technical correction

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2641

Introduced by
Representative Nelson

AN ACT

AMENDING SECTION 40-344, ARIZONA REVISED STATUTES; RELATING TO THE
CORPORATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 40-344, Arizona Revised Statutes, is amended to
3 read:

4 40-344. Hearing on petition; notice

5 A. Upon receipt of a petition to establish an underground conversion
6 service area, the corporation commission, board of supervisors or city or
7 town council shall set a date for a hearing on the petition, which date shall
8 be not later than sixty days nor sooner than thirty days after receipt of
9 such petition. At the hearing all interested property owners owning property
10 within the proposed underground conversion service area may appear and be
11 heard on the matter. Any person owning property within the proposed
12 underground conversion service area and wishing to withdraw such person's
13 signature from the petition of owners referred to in section 40-343,
14 subsection A, or object to the establishment of the underground conversion
15 service area or to the underground conversion costs as contained in the joint
16 report pertaining to his lot or parcel included within the proposed
17 underground conversion service area shall, not later than ten days before the
18 date set for the hearing, file such person's objections with the clerk of the
19 city or town council or the board of supervisors or with the corporation
20 commission, as the case may be.

21 B. Notice announcing the hearing and describing the boundaries of the
22 proposed underground conversion service area and stating that the estimated
23 underground conversion costs for each lot or parcel included within the
24 proposed underground conversion service area are available at the office of
25 each public service corporation or public agency shall be posted in not less
26 than three public places within the proposed underground conversion service
27 area for not less than thirty days prior to the date of the hearing and shall
28 be published once in a newspaper published in the county and of general
29 circulation within the proposed underground conversion service area. The
30 publication in the newspaper shall be not less than twenty days prior to the
31 date of the hearing.

32 C. In the case of public service corporation, the corporation
33 commission shall mail not less than thirty days before the date set for the
34 hearing a notice announcing the hearing and stating the boundaries of the
35 proposed underground conversion service area to each owner of a lot or parcel
36 of land within the boundaries of the proposed underground conversion service
37 area, as reflected on the records of the county assessor and to those
38 governmental agencies having rights in public places within such area. The
39 public service corporation or corporations involved and all property owners
40 within the underground conversion service area shall be deemed parties to the
41 proceedings for the purposes of applications for rehearings or appeals as
42 provided in sections 40-253 and 40-254.

43 D. If the corporation commission issues an order establishing an
44 underground conversion service area, the public service corporation shall not
45 be required to commence conversion until the time for requesting rehearing

1 has expired and no application has been filed, or if an application for
2 rehearing has been filed, until the commission has declined to modify or
3 reverse the order, and until either the time for commencing an action in the
4 superior court to set aside the order has expired and no application has been
5 filed, or if application has been filed, until a final order, not subject to
6 appeal, approving or refusing to set aside the commission's order has been
7 issued.

8 E. In the case of public service corporations which are locally
9 regulated and licensed by a municipality, the city or town council shall mail
10 not less than thirty days before the date set for the hearing a notice
11 announcing the hearing and stating the boundaries of the proposed underground
12 conversion service area to each owner of a lot or parcel of land within the
13 boundaries of the proposed underground conversion service area, as reflected
14 on the records of the county assessor and to those governmental agencies
15 having rights in public places within such area. If the city or town council
16 issues an order establishing an underground conversion service area, the
17 public service corporation shall not be required to commence conversion until
18 the time for commencing any action to set aside the order as provided by
19 subsection F of this section has expired and no such action has been
20 commenced, or if commenced, such action has been finally disposed of.

21 F. Any party aggrieved by any act of the city or town council in the
22 establishment of an underground conversion service area may bring an action
23 in the superior court of the county in which the underground conversion
24 service area is located to set aside the action of the city or town council
25 not later than twenty days after the order of the city or town council
26 establishing the underground conversion service area.

27 G. In case of public agencies or public service corporations not under
28 the jurisdiction of the corporation commission and regulated by the board of
29 supervisors, the board of supervisors shall mail not less than thirty days
30 before the date set for the hearing a notice announcing the hearing and
31 stating the boundaries of the proposed service area to each owner of a lot or
32 parcel of land within the boundaries of the proposed service area, as
33 reflected on the records of the county assessor and those governmental
34 agencies having rights in public places within the area. If the board of
35 supervisors issues an order establishing an underground conversion service
36 area, the public agency shall not be required to commence conversion until
37 the time for commencing any action to set aside the order as provided by
38 subsection F of this section has expired and no such action has been
39 commenced, or if commenced, such action has been finally disposed of.

40 H. Any party aggrieved by any act of the board of supervisors in the
41 establishment of an underground conversion service area may bring an action
42 in the superior court ~~of~~ IN the county in which the underground conversion
43 service area is located to set aside the action of the board of supervisors
44 not later than twenty days after the order of the board of supervisors
45 establishing the underground conversion service area.

1 I. The costs of posting, publication and mailing provided for in this
2 section shall be assessed by the city or town council, the board of
3 supervisors or the corporation commission on a pro rata basis to each public
4 service corporation or public agency whose overhead electric or communication
5 facilities are to be included in the proposed underground conversion service
6 area.

7 J. The corporation commission or the board of supervisors shall not
8 establish any underground conversion service area without prior approval of
9 such establishment by resolution of the local government.

10 K. If the underground conversion service area contains overhead
11 electric or communication facilities of a public service corporation and
12 public agency, then neither the public service corporation nor the public
13 agency shall be required to commence conversion until the corporation
14 commission's order, the board of supervisors' order or the city or town
15 council's order has become final.